

Preliminary Draft

Department of Toxic Substances Control Response To CPS Permitting Process and Analysis Report December 2013

1. Background and Introduction:

In 1992, the state of California received authorization from the United States Environmental Protection Agency (USEPA) to implement the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Management Program. RCRA authorization allows facilities that conduct hazardous waste management activities in California to apply for a permit from the Department of Toxic Substances Control (DTSC). The permit issued by DTSC establishes site-specific conditions and requirements that ensure that public health and the environment are protected from the risks associated with the facility's operation. The permit review process includes an administrative review of the permit application, technical review of the operations at the facility, preparation of a draft permit decision, as well as opportunities for the public to provide comments about the facility and its operations. DTSC Enforcement staff conducts routine inspections to ensure that permitted facilities operate in compliance with their permits and permit conditions. Permitting is headquartered in Sacramento with regional offices in Berkeley and Chatsworth. Permitting is responsible for a variety of activities including the following:

- Review and comment on hazardous waste permit applications to ensure safe design and operation and compliance with applicable laws and regulations;
- Issue/deny/revoke operating permits;
- Issue post closure permits;
- Approve/deny permit modifications;
- Issue/deny/revoke emergency permits;
- Review and make decisions on closure plans;
- Provide oversight of implementation of approved closure plan;
- Issue/deny/revoke variances;
- Assist regulated industry; and
- Assist DTSC Enforcement Division.

2. Purpose, Goals and Objectives:

As part of DTSC's "Fixing the Foundation" initiative¹ (DTSC Initiative), and responsive to feedback from representatives from various communities of interest served by DTSC, including environmental groups, representatives from industry, and individuals from local communities, DTSC determined that not only was there potential for improvement in the permitting process but that it could also benefit from an independent review. As a result, DTSC commissioned the California Personnel Services HR Consulting (CPS) to perform that independent review.

DTSC has prepared this document to address the 20 recommendations in the CPS Permitting Process Review and Analysis² (CPS Review) that were intended to improve the permit decision process around hazardous waste treatment, storage and disposal facilities (TSD facilities), as well as the process improvements identified as part of DTSC's Fixing the Foundation initiative (DTSC Initiative). There are many similarities between the CPS recommendations and actions required in Fixing the Foundation and, as a result, this report integrates action items or tasks from both the CPS Review and the DTSC Initiative.

¹ The DTSC Fixing the Foundation can be found at the DTSC web site at the following link:

http://www.dtsc.ca.gov/upload/Fixing_the_Foundation_WP.pdf

² The CPS Permitting Process Review and Analysis final report can be found at the DTSC web site at the following link:

<http://www.dtsc.ca.gov/PermittingProcessReview.cfm>

While Permitting is responsible for the majority of the permit decision process, it relies extensively on the support of and coordination and communication between other DTSC programs, including Office of Communication, Office of Legal Counsel, Office of Environmental Planning and Analysis, Emergency Response and Enforcement Division, and Brownfields and Environmental Restoration Program to conclude a successful permit decision. Accordingly, various programs and staff throughout DTSC engaged in the review and evaluation of the CPS Review and provided a number of perspectives.

3. DTSC's Response and Plan of Action to CPS's Findings and Recommendations

Below are the recommendations lifted directly from the CPS Review, which are immediately followed by DTSC's Response and Plan of Action. An indexed table has been included at the end of this document to direct the reader to additional information on DTSC's website.

CPS Recommendation 1-1:

"The Department must initiate supervisory confirmation of all milestone dates input into EnviroStor as a double-check to the current practice of independent project manager entry, to ensure accurate input that matches the operational record. This practice will also confirm supervisor awareness of the completion of key permit process milestones, and invite their intervention when prompt processing is delayed."

DTSC Response and Plan of Action to Recommendation 1-1

Permitting currently uses EnviroStor to monitor and track milestones.³ Permitting will continue to implement this and related recommendations established in the Fixing the Foundation initiative in order to: 1) expand and improve both the internal and public Permitting EnviroStor databases; 2) hold bi-weekly meetings between staff and supervisors to review progress on assignments and identify issues that could delay projects; 3) hold bi-weekly meetings between branch chiefs and supervisors and seniors to review unit assignments and address branch needs; and, 4) improve EnviroStor capabilities to better manage and track requests for support services.

Additionally, Permitting will develop standard operating procedures for EnviroStor that clarify the roles of the project managers and seniors/supervisors for the following tasks: 1) the protocols for uploading documents; 2) entering and tracking dates; and, 3) requiring document uploads as a prerequisite for milestone date entry.

Finally, to improve data quality and to ensure staff accountability in meeting deadlines, Permitting will conduct quarterly audits of the EnviroStor database by reviewing a random set of projects. If data errors are discovered, the appropriate staff will be notified to correct errors. If patterns of errors are observed during these audits, or staff members are not completing tasks and milestones on schedule, training will be provided to Permitting staff to reinforce procedures and minimize error reoccurrence, and steps will be taken to ensure the permit process progresses appropriately.

CPS Recommendation 1-2:

"Develop a network file including templates and samples of best-quality permitting work products, including model permits and a best practice call-in-letter, to support the adopted standard process."

³ As a matter of practice, DTSC uploads many of the key documents relating to a pending or completed permit decision on EnviroStor to provide the public with online access to as many documents in the administrative record as practically possible. However, DTSC does not upload all documents to EnviroStor for a project. DTSC maintains permitting records in its administrative files, which are available for public review in the DTSC office issuing the permit.

DTSC Response and Plan of Action to Recommendation 1-2

DTSC is developing a library of model permitting documents on SharePoint® (a Microsoft Corporation document sharing software program) and making them available to staff. Documentation gaps are also being identified and will be addressed. DTSC recognizes that establishing a library is only the beginning. The library needs to be populated with high-quality model documents, including guidance and policy documents, training manuals, and model permits. Permitting will establish a workgroup of experienced staff to develop and review all model documents prior to placing them into the library. These documents will be reviewed at least annually and updated as needed to ensure that they are still relevant. Permitting staff will then be trained on expectations regarding the consistent use of the library.

CPS Recommendation 2-1:

“Formally articulate the objectives and purposes of the Permitting Program based on law, and ensure that these objectives are disseminated to and understood by the permitting staff and the broader public. The lack of clearly stated objectives and purposes is creating an uncertainty in the actions of the Department, and a lack of clarity in public expectations about the Permitting Program. These objectives and purposes should specifically address three policy questions including: What constitutes a timely permitting action?; Under what circumstances are lengthy permit renewals in compliance with law?, and; When and how are the enforcement and required cleanup actions of recorded violations adequately considered in permit renewal? Once developed, the objectives and purposes should be reviewed and affirmed by Cal/EPA Secretary, and relevant Legislative Oversight Committees”.

DTSC Response and Plan of Action to Recommendation 2-1

Permitting's mission is:

The Office of Permitting is committed to protecting Californians and our environment from toxic harm by making timely decisions for the management of hazardous waste in accordance with applicable laws and based on sound science.

The CPS Review suggests that staff and stakeholders are unclear about Permitting's core mission. Although DTSC looks to improve this communication gap with stakeholders, DTSC, and by extension the Permitting staff, are clear that their core mission is *to protect public health and the environment*. DTSC only permits facilities that can operate safely. While DTSC recognizes the importance of statewide hazardous waste capacity, community equity, as well as other factors that may influence a permit decision, no other factor supersedes our mission to protect public health and the environment when making a permit decision.

Permitting staff members were involved in the development of Permitting's mission and have expressed commitment to its fulfillment. Permitting understands the importance of conveying this mission to stakeholders to help build public confidence and has begun to update, and commits to keeping current, its web page to better describe its purpose, objectives, and various permitting activities.

DTSC acknowledges the public's need to understand how enforcement actions are considered in our permit decisions, the amount of time required to make sound permitting decisions, and how DTSC ensures that facilities with expired permits are operated in compliance with the law during the permit renewal process. DTSC will evaluate the need to develop a separate policy document to evaluate the issues presented in the CPS recommendation. While the underlying statutes provide authority to DTSC, DTSC believes that a policy document will help explain DTSC's perspective on these issues as well as provide more certainty in the actions of the Department and clarity to the public about the Permitting program. Additionally, DTSC plans to update two existing factsheets: “The Public's Role During the Permit Process” and “Hazardous Waste Facility Permits” to clearly identify the mission of Permitting.

CPS Recommendation 4-1:

"DTSC should establish a clear and predictable organizational structure for permitting that is focused on in-person meetings, in-office work, and updated training. Telecommuting should be severely limited or revoked for at least a six-month period while these necessary improvements take place and the objectives and purposes in Recommendation 2-1 are implemented. All permit staff duty statements should be brought up-to-date along with goals and performance appraisals during this period. Necessary updates to standard templates, work aids, and work processes should be achieved. Work units should use this time to build solid relationships with their supervisors. Maintaining traditional in-office work groups, with a supervisor at each location, will improve communication and assist with reestablishment of efficient processes and work production."

DTSC Response and Plan of Action to Recommendation 4-1

As part of the DTSC Initiative and consistent with the objective of this CPS recommendation, Permitting realigned the office to a more traditional workgroup unit structure. Supervisors now fulfill appropriate management and leadership roles, which include managing unit operations, overseeing staff assignments, and conducting performance evaluations. Permitting is in the process of establishing regular in-person meetings with supervisors and staff. Additionally, in-office work and updated training will be emphasized. (See DTSC's Response and Plan of Action to Recommendation 5-2 for discussion on training.) This will improve communication, provide guidance, and assist with work productivity.

In accordance with the DTSC Initiative, Permitting has re-evaluated DTSC's telecommuting policy and has prepared new telecommuting agreements with staff as of July 31, 2013. These agreements emphasize staff's consistent presence in their offices. This change is intended to better establish a shared culture of performance, foster communication and maximize staff accessibility. In addition, duty statements for all classifications have been reviewed and updated and performance appraisals for staff and management will be completed by early February of 2014.

CPS Recommendation 5-1:

"Adopt the revised process flow for permitting proposed in this report, or a similar standard process flow. Require notes on the criteria for each decision and the sign-off standards for each process (or project) step. Specify a clear logic for any alterations in dates or tasks. Such a process must respond to the grey areas identified earlier as follows:

- * A defined and coordinated initial process review by DTSC CEQA staff and DTSC Community Involvement staff;*
- * Initial and regular/as needed consultation between enforcement and permitting;*
- * A mandatory permit renewal meeting with the appropriate DTSC technical team and the permit applicant;*
- * A site visit between the appropriate DTSC technical team and the permit applicant early in the Technical Review."*

DTSC Response and Plan of Action to Recommendation 5-1

The CPS Review includes a process flow chart that is more detailed than DTSC's existing flow chart and includes many beneficial elements. Some elements of the CPS version, however, are inconsistent with current regulatory requirements. Permitting will revise the existing process flow chart by Spring of 2014 to incorporate some of the selected improvements identified in the CPS flow process and evaluate whether other changes that may require regulatory changes should be pursued. Permitting will address the "grey areas" in the permitting flow process mentioned in the CPS recommendations. This may include but is not limited to increased coordination with Enforcement staff to have regular consultations, schedule coordination,

and facility visits; and increased coordination with the Office of Legal Affairs, Office of External Communication (including Public Participation) and Office of Planning and Environmental Analysis to establish a clear understanding of staff roles and responsibilities and timing of shared tasks. Some grey area tasks are already standard practice for Permitting staff while other tasks need to be improved. Permitting will finalize and distribute the revised flow chart. Training will then be provided accordingly to ensure that all Permitting staff understands the permitting flow process.

CPS Recommendation 5-2:

“The Permitting Office should develop instructional and guidance materials to support the Technical Review process flow. This should include clear and written decision-making criteria associated with each Section, and processing check sheets to match the process steps on the Part B flowchart. The U.S. EPA materials should be used as a reference.”

DTSC Response and Plan of Action to Recommendation 5-2

This CPS recommendation is consistent with items 4.b and 4.f in the DTSC Initiative. DTSC is currently developing a series of training modules specifically designed to improve permit application review. These modules include the following: 1) Overview of the Hazardous Waste Permitting Process; 2) How to Write a Permit; 3) Project Management; and 4) General Facility Standards.

Current instructional and guidance materials used to support application reviews will be updated, distributed to staff, and placed on the DTSC SharePoint® Library. Permitting is also coordinating with other DTSC programs and USEPA to introduce additional technical and project management courses to augment training provided by DTSC. These modules include the following: 1) Closure and Post-Closure plan reviews; 2) Closure and Post-Closure Cost Estimate; 3) Financial Assurance; 4) Tank Assessment; 5) Landfill Design (select staff); 6) Environmental Justice and Public Participation; and 7) CEQA Process.

CPS Recommendation 5-3:

“DTSC should enter into a cooperative agreement with EPA to: 1) Access its technical assistance in revision and design of permit processing procedures; 2) Provide materials and training on Technical Review; and, 3) Participate in regional permitting discussions and training.”

DTSC Response and Plan of Action to Recommendation 5-3

Permitting participates regularly in USEPA’s monthly permit writer’s conference calls to discuss the RCRA-Equivalent Permit issues. Permitting is also coordinating with USEPA to implement the RCRA-Equivalent permit writer training, and to acquire the latest guidance documents offered by USEPA. Permitting will continue to work with USEPA to assess, update, and monitor RCRA Grant goals and objectives tied to RCRA grant funding. Furthermore, Permitting will continue to meet bi-monthly with USEPA to discuss the federal Government Performance and Results Act⁴ (GPRA) goals.

⁴ The 1993 [Government Performance and Results Act \(GPRA\)](#) holds federal agencies accountable for using resources wisely and achieving program results. The GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public.

CPS Recommendation 5-4:

“Future changes in management at the civil service level should be discouraged to allow time for the recommendations of this report to be implemented and for leadership to be held accountable for those changes.”

DTSC Response and Plan of Action to Recommendation 5-4

DTSC acknowledges the importance of and is committed to the stability in the organizational structure that is in place, including stability at the management level. DTSC will encourage Permitting staff to remain committed to their current roles throughout the implementation of these changes and improvements that are currently under way.

CPS Recommendation 5-5:

“Each project manager should initiate a project “charter” at the time of the ‘call-in letter’ and should complete this charter by the time a complete permit renewal application is received. A project charter structure will direct the project manager to consider and plan for all project variables and should address:

- the significant objectives to be addressed;*
 - what is “in scope” and “out of scope” for the action;*
 - the specific deliverables that will be produced;*
 - the estimated effort, cost, and duration of the effort;*
 - the required project team and what roles they will have;*
 - the communications plan for the project team;*
 - the stakeholders and any role they will have;*
 - the renewal project assumptions, constraints, threats, and necessary approvals.*
- The charter will help in structuring the project team and in development of the project plan.”*

DTSC Response and Plan of Action to Recommendation 5-5

The concept of project charters is consistent with the use of Permitting’s EnviroStor and DTSC Initiative items 4.b and 4.f. The EnviroStor system is populated with information consistent with the recommended project charter project variables. EnviroStor was designed based on the need to accommodate multiple permitting activities for each hazardous waste facility. For each permitting activity, there is a module uniquely designed for that activity. Each milestone within an activity has a planned date and actual date along with an option to provide additional information associated with that milestone. Each milestone can have associated documents (final versions) uploaded and linked to the activity⁵. As stated in current EnviroStor tutorials, DTSC Project Managers are expected to use EnviroStor for:

- Basic project information (main page descriptions, contact lists, facility units, facility information, and search functions).
- Scheduling new permit activities.
- Scheduling new maintenance activities.
- Tracking project progress (activities due report, permit milestones report).
- Useful tools (schedule Work Requests, schedule meetings, financial assurance reports, and cost estimate reports).

Thus, the system is more than a project management tool; it also serves as a document management system.

⁵ As a matter of practice, DTSC uploads many of the key documents relating to a pending or completed permit decision on EnviroStor to provide the public with online access to as many documents in the administrative record as practically possible. However, DTSC does not upload all documents to EnviroStor for a project. DTSC maintains permitting records in its administrative files, which are available for public review in the DTSC office issuing the permit.

CPS Recommendation 5-6:

“Immediately after completion of a charter, the project manager should develop and post a project plan for each renewal. The project plan should show all major tasks and a timeline for completion of each. This project plan should be reviewed and approved by a supervisor and a team led for that type of renewal”

DTSC Response and Plan of Action to Recommendation 5-6

Permitting currently uses EnviroStor to accomplish this recommendation. All major tasks are identified and scheduled at the start of a project. Subject experts and support team members are contacted, notified, and scheduled through a work request feature in EnviroStor that allows project managers to track their progress and share internal documents and comments. The project plans are reviewed, discussed, and adjusted with supervisors and team leaders on a regular basis as part of the Permitting work process.

Actions from this recommendation are provided in DTSC Response and Plan of Action to Recommendation 1-1. DTSC will continue to take the CPS recommendations into account as appropriate.

CPS Recommendation 5-7:

“Develop a standard lexicon of terms regarding permit renewal actions so that terms such as Notice of Deficiency are not used during Administrative Review, and so that a common, standard process is consistently described in all departmental communication.”

DTSC Response and Plan of Action to Recommendation 5-7

Permitting relies on established terms defined in the California Health and Safety Code, the Code of Federal Regulations, and other DTSC and USEPA guidance documents. Permitting will ensure that pre-defined terms such as “Notice of Deficiency” and other lexicons are appropriately and consistently used among staff. The most recent version of the RCRA Orientation Manual (EPA530-F-11-003, Oct 2011) provides a comprehensive list of terms recognized and used by regulators and the regulated industry. This recommendation is consistent with DTSC Initiative item 4.b.

Permitting will reinforce the consistent use of the pre-defined lexicons throughout the permitting process and will incorporate a working list of lexicons into the DTSC SharePoint® Library. Future trainings will stress and reinforce the proper use of lexicons.

CPS Recommendation 6-1:

“The Department should develop a new system of categorizing violations that reflects whether they present an immediate and direct threat to human health and safety, versus a less urgent threat that can be mitigated or resolved through further actions of the Department. The Department’s current definition of “Class 1 violations”, although mandated by law, includes both violations that pose immediate and direct threats along with many that are relatively low- or long-term threats. Until the Department has a system of violations that can distinguish between significant threats to human health and safety and lesser threats, it will not be able to provide an objective standard to guide its own staff actions and to inform the public that the significant threats have been mitigated through actions such as permit modification, denial or revocation.”

DTSC Response and Plan of Action to Recommendation 6-1

Permitting recognizes that a new system of evaluating risk and/or categorizing violations could enhance its permit decisions and risk communication to the public. Currently, DTSC considers the specific details of violations when making a permit decision on a case-by-case basis. DTSC is researching best management practices utilized by other states to identify approaches that would provide for more defined standards for permit denial and revocation and will consult with USEPA and other stakeholders to determine the most effective approach to defining standards for these actions. We anticipate that this research will conclude in the first quarter of 2014. Clarifications to the violation classification system to emphasize the significance of the threat may require statutory or regulatory change.

CPS Recommendation 6-2:

“The Department should distinguish between Notices of Deficiency that are prejudicial from those that are not, with grounds for prejudice being defined by the language in HSC 25200.8, including “substantially incomplete or substantially unsatisfactory information”, or an untimely response. This change should be pursued as a change to Administrative Law. (The definition of “prejudicial” in the context of this recommendation is that an action to revoke a permit or renewal action would be required after a maximum of three such actions.)”

DTSC Response and Plan of Action to Recommendation 6-2

DTSC recognizes the need to establish a course of action as this issue could potentially require statutory or regulatory change. DTSC will have a recommendation by June 1, 2014.

CPS Recommendation 6-3:

“DTSC should develop and adopt a risk standard for permitting, consistent with stakeholder input that the program must have a standard to demonstrate a clear, documented threat to public safety, human health, or environmental preservation, as a primary driver of appropriate permitting action.”

DTSC Response and Plan of Action to Recommendation 6-3

DTSC is currently researching the feasibility of establishing health risk standards for TSD facilities and will make recommendations by June 1, 2014.

Recommendation 6-4:

“Expand the specialized staffing of the Financial Responsibility Unit to allow for its independent review of cleanup costs and financial assurance obligations, and require sign-off prior to permit renewal. Require compliance with Department policy to update financial assurance every five years. As an interim measure, DTSC should contract out the financial assurance function of the permitting program to an entity that possesses the appropriate knowledge on the topic.”

DTSC Response and Plan of Action to Recommendation 6-4

As identified in the CPS Review, Financial Assurance reviews for Permitting consist of two parts. The first is a review and/or preparation of the closure or post-closure engineering cost estimates. This review and/or preparation of cost estimates are conducted by engineers who are trained and qualified to validate the activities and costs associated with a facility's technical environmental operations, including technical tasks and equipment. The second is review of the financial mechanism is an administrative review conducted by Financial Assurance Unit (FAU) staff to validate the method the facility can pay. These two reviews are required to protect tax payers from financial liability in the event facilities become insolvent.

The CPS review focuses on the independence of the engineering review to ensure fairness, completeness and accuracy. Permitting will ensure the completeness and accuracy through more thorough and timely training of Permitting staff. To address independence and fairness of the review, Permitting will enhance internal peer review and request assistance from DTSC's Engineering and Special Project Office to coordinate the review of closure and post-closure cost estimates.

Furthermore, the accuracy of a cost estimates are based on the currency of the review. For this reason Permitting has strived to review cost estimates every five years (not a legal requirement), as opposed to every 10 years, when the permit is renewed. Due to limited staff resources and management decisions pertaining to resource allocation, reviews every five years have not been achieved.

To address this recommendation, and consistent with the work plans in Fixing the Foundation, DTSC will enhance closure and post-closure cost estimate training for project managers and provide guidance material. Based on the this recommendation and DTSC's understanding that the accuracy of cost estimates are based on the accuracy and timing of these reviews, DTSC will evaluate resources and evaluate policy development to assist in meeting a five year cost estimate review goal.

CPS Recommendation 7-1:

"As soon as Recommendations 5-1 and 5-2 are substantially addressed, Permitting should re-offer its 2012 training materials with appropriate updates. This training should be provided to all employees in 90-minute segments, in person and by videoconference, on a regular twice-a month schedule. This should be used as an opportunity to refresh training and to further identify process areas that need attention."

DTSC Response and Plan of Action to Recommendation 7-1

Consistent with DTSC Initiative items 4.b and 4.f, Permitting is coordinating with other DTSC programs and USEPA to introduce additional technical and project management courses to augment training provided by DTSC.

Permitting staff will develop a revised Permitting Process Flow and develop Standard Procedures for three main types of permits issued (Standardized Permit, RCRA Equivalent Permit, and Post Closure Permit). Ongoing periodic and mandatory training sessions for permitting staff will ensure consistency in implementation of procedures or processes.

CPS Recommendation 7-2:

"The Permit Office Manager and Supervisors should develop a list of tasks and actions called for as a part of the improvements recommended by this study, in priority and chronological order, and periodically review it with all staff, possibly at the twice-a-month training meetings. Volunteer assistance should be solicited to develop all materials and draft products reviewed and approved by designated groups of two or three subject matter experts."

DTSC Response and Plan of Action to Recommendation 7-2

This recommendation is under way in accordance with the Fixing the Foundation Initiative. The actions and recommendations adopted by DTSC from the CPS Review will be incorporated into the DTSC Initiative along with schedules to implement the recommendations. The DTSC Initiative is available to all staff and the public. Internal teams, volunteers, and subject matter experts will be established to create and implement the recommendations. (See Table 1)

CPS Recommendation 8-1:

“The Department should research whether and how to change its requirements to make the Part B Application due 180 days prior to the expiration of the existing permit. This objective and purpose should be reviewed and affirmed by Cal EPA Secretariat, and if agreed to, recommended to the appropriate Legislative Committees for statutory revision.”

DTSC Response and Plan of Action to Recommendation 8-1

In accordance with regulations, Permitting requires all permit renewal applications to be submitted 180 days prior to expiration of the permit. Permitting ensures that a call-in letter is sent to the facilities at least 18 months prior to the expiration of the permit. A model call-in letter is available on the DTSC's SharePoint® library. This recommendation is consistent with DTSC Initiative items 4.b and 4.d, and is being addressed in our Fixing the Foundation work.

CPS Recommendation 9-1:

“The Office of Permitting should review and implement measures of operation, output, and outcome as recommended, and routinely report its results.”

DTSC Response and Plan of Action to Recommendation 9-1

The CPS Review focused this section primarily on timeliness of permit decisions as a metric of performance. While timeliness is critical, Permitting similarly values permit quality as a measure of success. Currently, DTSC's performance measures and GPRA (see Footnote 4) are in effect. DTSC's GPRA performance measures for permit output are tracked in EnviroStor and are rigorously monitored by USEPA. DTSC conducts monthly data uploads to USEPA's Headquarters database, and participates in quarterly meetings with USEPA to share project schedules and status. EnviroStor, however, will be improved to accurately reflect outputs and outcomes.

As part of DTSC's overall efforts to improve its processes, Permitting will explore metrics that better measure quality of our performance, as defined by permit process transparency, consistency, predictability as well as timeliness. DTSC will continue to work on developing metrics that address and will report back progress in this area by Spring of 2014.

CPS Recommendation 10-1:

“The Department should immediately seek authorization through the budget process for 35 positions, and should seek to hire and train those positions as quickly as possible – a 20% increase in its current staffing authorization. This hiring strategy will be necessary to avoid an increase in average permit processing time, and an increase in the number of toxic waste facilities operating without a permit. While permit processing times and productivity per staff person may be expected to be improve through process improvements recommended as a part of this study, it will take multiple years to bring average processing time to a more acceptable level.”

DTSC Response and Plan of Action to Recommendation 10-1

As part of DTSC's Fixing the Foundation, DTSC is examining its staffing, processes and procedures to enable it to determine what additional resources are needed and in what programs.

4. Implementation Schedule:

Table 1 below provides list of tasks and actions Permitting will implement in the next twelve (12) months. These tasks and actions will be carried out as part of the DTSC “Fixing the Foundation” initiative.

Table 1 List of tasks and timelines for implementation			
CPS Recommendation	DTSC Initiative	What We Will Do	Status
R1-1	4.b	Expand and improve both the internal and public Permitting EnviroStor databases	Completed
R1-1	4.b	Hold bi-weekly meetings between staff and supervisors to review progress on assignments and identify issues that could delay projects	Completed
R1-1	4.b 4.j	Hold biweekly meetings between branch chiefs and supervisors and seniors to review unit assignments and address branch needs	Completed
R1-1	4.b	Improve EnviroStor capabilities to better manage and track requests for support services	Completed
R1-1	4.j	Permitting will develop standard operating procedures for EnviroStor that define the roles of the project managers and seniors/supervisors for the following tasks: 1) the protocols for uploading documents; 2) entering and tracking dates; and, 3) requiring document uploads as a prerequisite for milestone date entry	Complete by 3/30/2014
R1-1	4.l	Implement quarterly audits of Permitting EnviroStor database	Complete by 3/30/2014
R1-2	4.b	Create an electronic Permitting library on SharePoint	Completed
R1-2	Add to 4.b	Establish a workgroup of experienced staff to develop and review all model documents prior to placing them into the library	Complete by 1/30/2014
R1-2	4.b	Place all guidance documents, training manuals, policy documents and model permits in the library	Complete by 3/30/2014
R2-1	Add to 4.b	Post Permitting’s Mission Statement on Permitting’s web page	Complete by 1/30/2014
R2-1	Add to 4.b	Evaluate the need to develop a separate policy document to evaluate the issues presented in the CPS recommendation	Complete by 3/30/2014
R2-1	Add to 4.b	Post an updated “The Public’s Role during the Permit Process” Fact Sheet on DTSC’s web site	Complete by 1/30/2014

R2-1	Add to 4.b	Post an updated "Hazardous Waste Facility Permits" Fact Sheet on DTSC's web site	Complete by 1/30/2014
R4-1	4.b	Realign existing organizational structure to have supervisors and senior staff fulfill appropriate management and leadership roles.	Completed
R4-1	4.b	Provide staff, seniors, supervisors, and the branch chief with updated duty statements.	Completed
R4-1	4.b	Provide staff, seniors, supervisors, and the branch chief with annual performance appraisals	Complete by 1/30/2014
R4-1	4.b	Review and adjust telecommuting Agreements on an annual basis	Completed
R5-1	4.b	Revise Permitting process flow chart to include select improvements suggested by CPS and incorporate process flow chart with permitting overview training	Complete by 3/30/2014
R5-1	4.b	Enhance Permitting process "grey area" tasks by incorporating CPS suggested improvements where needed	Complete by 3/30/2014
R5-1	4.b	Increase coordination with Enforcement staff to have regular consultations, schedule coordination, and facility visits	Completed
R5-1	4.f	Coordinate with DTSC's Office of Communication to establish clear understanding of staff roles and responsibilities	Complete by 3/30/2014
R5-1	4.f	Coordinate with DTSC's Office Planning and Environmental Analysis to establish clear understanding of staff roles and responsibilities	Complete by 3/30/2014
R5-2	4.j	Provide overview of the hazardous waste permitting process training	Complete by 3/30/2014
R5-2	4.b 4.f	Provide "How to Write a Permit" training	Complete by 3/30/2014
R5-2	4.b 4.f	Provide Project Management training	Complete by 3/30/2014
R5-2	4.b 4.f	Provide General Facility Standards training	Complete by 3/30/2014
R5-2	4.b 4.f	Provide Closure and Post-Closure plan review training	Complete by 6/30/2014
R5-2	4.b 4.f	Provide Closure and Post-Closure Cost Estimate training.	Complete by 6/30/2014
R5-2	4.f 4.i	Provide Financial Assurance training	Completed
R5-2	4.b 4.f	Provide Tank Assessment training	Complete by 6/30/2014

R5-2	4.b 4.f	Provide Landfill Design training (select staff)	Complete by 9/30/2014
R5-2	4.b 4.f	Provide Environmental Justice and Public Participation training.	Complete by 3/30/2014
R5-2	4.b 4.f	Provide CEQA Process training	Completed
R5-3	Add to 4.b	Supervisors and senior staff to participate in the USEPA permit writer's conference calls	Completed
R5-3	Add to 4.b	Branch Chief to participate in USEPA Region 9 monthly calls	Completed
R5-3	Add to 4.b	Permitting to continue to meet bi-monthly with the USEPA to support EPA achievement of GPRA goals.	Completed
R5-4	N/A	DTSC acknowledges CPS recommendations. Permitting management and staff to remain committed to their current roles	Completed
R5-5	4.b	Staff will utilize EnviroStor to input project information including project description, contact lists, facility information, and facility units	Completed
R5-5	4.b	Utilize EnviroStor to schedule new permit activities including scheduling work requests, meetings, financial assurance reports, and closure and post closure cost estimates	Completed
R5-5	4.b	Utilize EnviroStor to track project progress	Completed
R5-6	4.b	No additional actions proposed. Actions from this recommendation is provided in DTSC Response and Plan of Action to Recommendation 1-1	Completed
R5-7	4.b	Permitting will reinforce the consistent use of the pre-defined lexicons throughout the permitting process. Future trainings will stress and reinforce the proper use of lexicons.	In progress
R6-1	Add to 4.d	DTSC will research more defined standards for permit denial and revocations and consult with EPA and stakeholders to determine the most effective approach for evaluating risk and/or categorizing violations.	Complete by 3/30/2014
R6-2	4.j	DTSC will develop recommendation of course of action whether to require statutory or regulatory change regarding facility permit revocation or renewal action after three Notice of Deficiencies	Complete by 6/30/2014
R6-3	Add to 4.d	DTSC will research the feasibility of establishing health risk standards for TSD facilities.	Complete by 6/30/2014
R6-4	4.i	Provide closure and post-closure cost estimate training to Permitting staff (R5-2). Train specific staff to specialize in Remedial Action Cost Engineering and Requirements (RACER) software used to prepare cost estimates.	Complete by 6/30/2014
R7-1	4.b 4.f 4.h 4.i 4.j	DTSC will implement the training in recommendation 5-2	Various, (See R5-2)

R7-2	4.b 4.f	See Table 1	Completed
R8-1	4.b 4.d	No additional action is required	Completed
R9-1	4.j	DTSC will develop metrics to measure output and outcomes	Complete by 3/30/2014
R10-1	Add to 4.d	As part of DTSC's Fixing the Foundation, DTSC is examining its staffing, processes and procedures to enable it to determine what additional resources are needed and in what programs.	Complete by 1/30/2014

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